

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DEVIN BLACKWELL,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO.: 3:19-CV-318-JD-MGG

OPINION AND ORDER

Devin Blackwell, a prisoner without a lawyer, filed a habeas corpus petition attempting to challenge a prison disciplinary hearing where he was found guilty of engaging in unauthorized organizational activity in violation of Indiana Department of Correction offense B-208 following a disciplinary hearing at the Westville Correctional Facility. He did not lose any earned credit time – nor was he demoted in credit class – as a result of this hearing. A prison disciplinary hearing can only be challenged in a habeas corpus proceeding where it results in the lengthening of the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Therefore, habeas corpus relief is not available in this case.

If Blackwell wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed in forma pauperis on appeal because pursuant to 28 U.S.C. § 1915(a)(3) an appeal in this case could not be taken in good faith.

For these reasons, the habeas corpus petition is DENIED. The clerk is DIRECTED to enter judgment and close this case. Devin Blackwell is DENIED leave to proceed in forma pauperis on appeal.

SO ORDERED on April 25, 2019

/s/ JON E. DEGUILIO
JUDGE
UNITED STATES DISTRICT COURT